

**Laboratory Certification Standards Review Council**  
**Meeting Minutes From 11/15/2001**

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**Attendance**

Council Members: George Bowman, Debbie Cawley, Randy Herwig, Paul Junio (Vice Chair), David Kollakowsky (Chair), and Ruth Klee Marx (Secretary)

DNR Staff: Phillip Spranger and David Webb

Others in Attendance: Paul Harris, Kurt Knuth, R. T. Krueger, Art Lautenbach, Carol Meilke and Randy Thater

**Summary and Action Items**

At this meeting the Certification Standards Review Council:

- Approved the previous meeting's minutes;
- Were introduced to Randy Herwig the new Council member representing small municipal wastewater plants;
- Were provided a quarterly update on the status of lab audits, open cases and the audit backlog;
- Were notified that there are no upcoming presentations and training programs currently planned by DNR and/or State Laboratory of Hygiene;
- Discussed the status of current reciprocity agreements and were notified that the agreement with Minnesota had been set aside for up to 18 months;
- Discussed conflicts between DNR program guidance and Administrative Code requirements;
- Discussed various informational items, including, a recent information sharing session David Webb held for Southeast Region wastewater treatment plant personnel, an apparent conflict between NR 151 and ATCP 50 Wis. Adm. Code, bioterrorism preparedness, a survey that will be provided to laboratories after on-site evaluations and a variance provided to the City of Superior Wastewater Treatment Plant relating to the August 31 deadline for performance evaluation sample results; and
- Tentatively scheduled the next Council meeting for Wednesday, February 20, 2002.

**Agenda Items**

**I. Check in/Agenda Repair**

- A. David Kollakowsky introduced Randy Herwig, the new Council member representing small municipal wastewater plants. Paul Junio requested that the Council discuss an apparent conflict between NR 151 and ATCP 50 Wis. Admin. Code under Council member items.

**II. Approval of August 23, 2001 Meeting Minutes**

- A. No corrections were suggested for the August 23, 2001 meeting minutes. Paul Junio made a motion to approve the draft minutes as presented, Ruth Klee Marx seconded and the minutes were approved unanimously.

**III. Audit Status**

- A. David Webb informed the council of the Program's audit activity for the first quarter of the current fiscal year (July 1 through September 30). He reiterated that the Program's goal is to complete one audit per auditor per month. That adds up to four audits per month or 12 per quarter. In the regions, two audits are expected per auditor per month or 10 per month and 30 per quarter.
- B. Central Office auditors completed nine on-site evaluations and issued 11 reports and 3 closure letters. A couple of big situations came up to hold these numbers down.
- C. In the five regions, 27 audits were conducted and 26 reports and 40 closure letters were issued. The reason for all the closures was the Northeast region started closing old audits and cleaning up loose ends. This also occurred to a lesser extent in Southeast and South Central Regions.
- D. Mr. Kollakowsky asked whether the Department of Agriculture Trade and Consumer Protection lab had been seen? Mr. Webb reported that they were not audited, but discussions were ongoing.

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- E. Questions/Discussion: Are there specific things holding up closures? No. Not enough time has elapsed for closures to equal the number of audits. There is always some lag time in closures due to response times. It's not really anyone's fault, it just takes time for the back and forth.

Has the peer review process for audit reports slowed things down or speeded things up? Peer review of audit reports is going really well. There have been a few "conferences" with staff, but there's no feeling that it is slowing things down. There is greater consistency and a lot of idea sharing. The consistent format is helping. One big issue is inserting deficiency language consistently. An example would be where the program has interpreted method or code requirements and then cited it as a specific deficiency. This needs to be formalized, in code or otherwise, and we need to provide labs with adequate notice whenever a change is made. The Program will work with council, WELA, WWOA and others to work out a strategy.

- F. George Bowman noted that the Program has the authority to interpret methods. There is almost always a question of interpretation. Mr. Webb noted a recent example regarding the total suspended solids test that came up during the recent Waukesha county information sharing session: If a lab is citing the USGS TSS method, which allows overnight drying of TSS samples at 104 degrees to determine final weight, we still need to define "overnight" (i.e., a shift, 8 hours, etc.) and "104 degrees" (i.e., 104 degrees plus or minus what?).
- G. David Kollakowsky noted that when you talk about deficiencies you have to remember that each audit is different and each auditor is different. When the Program interprets methods to come up with "standards" (e.g., TSS) how do we communicate it to labs? Mr. Webb thought the Program could reinvent the common deficiencies format used in the past. Possibly there are a dozen or so situations that could be targeted. But how do you prioritize the various issues? It was agreed that this is an area (citing deficiencies) that is fundamental to the program and consistency is very important.

#### **IV. Update on Upcoming Presentations and Training**

- A. Mr. Webb noted that there was little to report on training. None were planned by DNR or the State Lab. There are some technical college courses being offered. Mr. Kollakowsky wondered whether the colleges have run any of the course content by the Program and noted that it would be a disservice to students if the training didn't reflect the legal requirements. There has been no recent communication with the tech. colleges but it was noted that in the past, a Green Bay college did get labs and DNR involved.
- B. Mr. Bowman noted the State Lab had nothing planned due to the current difficult fiscal situation.
- C. David Webb addressed the need for training fees or a training fee surcharge to be paid by labs. There may be no need to formalize training fees. The Program could probably just allocate the money since the Program's charge includes ensuring compliance with code and the generation of quality data, which could include training. The more difficult issue is really the staff time required.
- D. During discussion, it was acknowledged that the Program has to be committed to auditing. Some questioned whether the State Lab would do the training if they were provided the money to cover the costs. Others noted that training is integral to good audits. How much does it really cost to conduct a training session? George Bowman estimated that it costs about \$100 per person for a training session. Do the audits go better when analysts have attended training? Mr. Webb stated that while there is no hard data there seems to be no question that analysts that have attended training sessions are doing better quality control. Some felt that training costs were a good investment, saving audit and enforcement time. There was support for doing training through the State Lab because it makes the training information more objective. The workshop format works really well because of the information sharing generated.
- E. Some other ideas discussed included: Developing a training and funding strategy; looking at the results of a training workshop conducted by Bill Songzoni to identify training needs; analyzing the staff time needed to conduct training, administer training programs and collect fees; setting up a training budget funded by Lab. Cert program revenue to pay for State Lab training sessions; exploring opportunities for non-traditional training (e.g. interactive study guide on CD or video); how best to publicize training; offering computer-based classes at college campus computer labs during the "off season;" and using the audit process to guide training needs.
- F. Next steps? Mr. Webb will look at available staff time, but noted that the NR149 revisions will take a lot of time and are a priority. In the near future, DNR and WSLH can come up with a proposal to keep some progress going. It still depends upon keeping the audits going. There is also a question of who is the appropriate lead on training? It's not necessarily something the council would take the lead on.

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**V. Reciprocity Agreement Update**

- A. Mr. Webb informed that the reciprocity agreement with the state of Minnesota has been set aside for 18 months or so. Partly because of the NR 149 changes in progress. It's hard to say the two programs are equivalent when both are changing. There are a bunch of other agreements out there. It is a medium-size effort to look at all of them with an eye towards revision. George Bowman inquired if there are just a few labs certified in the other state is it really worth spending the time and effort to maintain/revise them? Mr. Webb noted for example that there are two MN labs certified reciprocally and eight that we directly certify because the lab does whole effluent toxicity (WET) testing or petroleum storage tank work. If Minnesota and Wisconsin were totally consistent we would have 8 fewer labs. There are other reasons to keep reciprocity, good will, etc. Should we have agreements that recognize some areas and not others? We don't really know how many Wisconsin labs are recognized by Minnesota through reciprocity agreements.

**VI. Decisions Regarding Certification Program Requirements**

- A. Mr. Junio requested that the Council discuss a long-standing question regarding code or method interpretations various Department Programs have made to establish standards or guidance that labs must follow when doing analyses. Mr. Junio offered as examples: a recent letter from David Webb to labs regarding overnight drying of TSS samples; a "Release News" (Remediation Program newsletter) article extending the solvent addition time for DRO samples from 72 hrs. to 10 days; and an NR 809 requirement to preserve nitrate samples within 48 hrs. of collection.
- B. Mr. Junio noted that the TSS letter was a method interpretation, but the other cases were method modifications where the method was never revised and the administrative codes never changed. His interpretation is that the code stands; that's what labs have to follow. He is concerned with having to flag every DRO result that is preserved over 72 hours and wondered whether other Programs were consulting Lab Cert. when their codes and guidance are being developed. Lab Cert. should consider how rule changes affect labs and get to sign off on other rules. Is this an issue for the council?
- C. Mr. Webb noted that there are a couple mechanisms in place to address this issue. Each rule undergoes a legal review and the attorneys should catch some of these issues. Also, whenever a rule is "Pink Sheeted" or "Yellow Sheeted" Bureau Directors get a roster of related code changes. But Mr. Webb doesn't see these and might not know for sure if it affects NR 149.
- D. Mr. Kollakowsky wanted to know what the council can do to jog some memories so that Lab Cert. is informed of changes that affect labs? Mr. Junio wanted to know how to fix the two holding time issues he brought up (GRO and SDWA Nitrate)?
- E. Mr. Webb agreed that a system is needed to let the appropriate people know about code changes that affect labs but acknowledged that it's a hard problem to fix in the long term. There is concern that labs will be cited for one of these holding times issued and Mr. Webb agreed that sticking to the code where possible was the best approach.

**VII. DNR 149 Revision Strategy**

- A. Mr. Webb informed that the NR 149 Revision Advisory Committee (AC) is now formed. There are seven council members plus five others representatives (Joe Celmer of Little Rapids-Shawano Mill representing the Paper Council, R.T. Krueger of Northern Lakes Service representing the Wisconsin Environmental Laboratory Association, Steven Smith of BT<sup>2</sup>, Inc. representing Non-Laboratory Data Users, Steven Sobek of the Wisconsin Department of Agriculture, Trade and Consumer Protection representing that agency, and Amy Tutweiler of Davis & Kuelthau, S.C. representing the Municipal Environmental Group). Mr. Webb expressed confidence that it is going to be a manageable size for an Advisory Committee. Diane Drinkman recently sent out an e-mail to try to set up the first few meetings. Lab Cert. staff had an internal brainstorming meeting that went well. Next, ideas will be solicited from other DNR programs. This groundwork should allow the Program to go into the first meeting with a laundry list of ideas, or skeletal structure, to start with. Alfredo Sotomayor and Ms. Drinkman have worked with the Department's legal council to put together a document that establishes the side boards (statutory limitations). Mr. Webb recommended that the Council consider how to structure Council meetings considering the time constraints of the AC meetings.
- B. Mr. Kollakowsky asked whether having a facilitator for the meetings was still under consideration? Mr. Webb has a lot of experience with these types of group dynamics and noted that a facilitator that knows little to nothing about the process can be worse than no facilitator. Since Mr. Webb will be at the first few meetings there may be no need for a facilitator.

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- C. Mr. Junio asked whether the Department has thought of where the meetings will be held. Mr. Webb stated that meeting locations hasn't really been discussed but it should be somewhere accessible and he would like to hold some meetings outside of Madison. Debbie Cawley offered the use of Green Bay Metropolitan Sewerage District facilities. There was also some discussion of using the State Lab Board room and the State Patrol headquarters.

**VII. Other Business**

- A. *Paul Junio:* Paul Junio was concerned about some apparent conflicts between the two proposed administrative rules NR 151 and ATCP 50, both of which related to soil nutrient testing. Who is in charge here? ATCP 50 requires these labs to be certified by the UW Soil Science Lab or by DATCP, while NR 151 specifies the use of labs certified by DNR (i.e., through NR 149).

Mr. Webb noted that the soil nutrient testing issue involves not only different programs but different agencies. This complicates matters. There have been a lot of discussions, including between both Department Secretaries who meet at least monthly. Tentative agreement was reached to pull the requirement for NR 149 certification from NR 151, but to have ATCP 50 require that labs doing soil testing be certified by NR 149. None of this is totally finalized and there are lots of details to be worked out. The requirement doesn't go into effect until 2005 so there is time.

- B. *David Webb FYIs:*

Bioterrorism Coordination. Ron Arneson of the DNR Environmental Science Services Section is the DNR liaison to the State Lab. He has represented DNR at recent State bioterrorism coordination meetings. At these meetings Bob Harrison of the State Lab confirmed that the local or county health departments are responsible for handling bioterrorism response. Ruth Klee Marx noted that in Marathon County, these cases are referred to law enforcement. In criminal cases, chain of custody is important and this approach allows police to maintain chain of custody throughout. There was some concern that not all counties/localities are well equipped to handle these cases. Mr. Webb noted that EPA is offering training on maintaining the security of water supplies.

Report to Council Regarding a Variance Granted to the City of Superior Wastewater Plant. Phillip Spranger reported that the City of Superior requested and was granted a variance from the requirement to submit acceptable reference samples results prior to August 31 in each calendar year for each test for which the laboratory is registered. The basis for the variance request was the untimely death of the facilities long-time director, James Lindberg, which presented a situation out of the facilities control and a potential for financial hardship. The request was for the deadline only (acceptable results have now been submitted), was for this year only and the lab has agreed to improve its document for procedures needed to maintain DNR registration to prevent a future occurrence.

On-site Evaluation Survey. Mr. Webb has been developing a survey auditors will provide to labs at the end of each on-site evaluation. The survey is now done and each auditor has a supply. They will include a postage-paid envelope. The survey mainly asks questions about the audit but includes questions about how the auditor performed.

Waukesha County Information Sharing Session. Mr. Webb held an information sharing session with registered laboratories from the DNR's Southeast Region (SER). The session was held at the Waukesha Technical College on Wednesday, November 14, 2001 and all registered wastewater treatment plant laboratories in the SER were invited. The session was well attended. (also discussed under "Audit Status" earlier)

Lab Cert. Chemist Hired. Mr. Webb informed that the Program has filled the permanent Chemist position by hiring Phillip Spranger. Mr. Spranger had previously held the position as a project employee. He will start the new position Monday, November 19, 2001.

**VIII. Future Meeting Dates**

- A. The next Council meeting was tentatively scheduled for Wednesday, February 20, 2002, time and location to be announced. There was some discussion regarding holding the meeting as a conference call. Forward agenda items to David Kollakowsky (414/221-2835 or dave.kollakowsky@wepco.com) or Phillip Spranger (608/267-7633 or spranp@dnr.state.wi.us) for the consideration of the Council officers. The primary agenda item will be the Program's fiscal year 2002-2003 budget and fees as well as the standing items of audit status, training and presentations and NR 149.
- B. A motion to adjourn was made by Paul Junio, seconded by Randy Herwig and carried unanimously.